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FM AMEMBASSY SANTO DOMINGO  
TO RUEHC/SECSTATE WASHDC PRIORITY 2002  
INFO RUEHZA/WHA CENTRAL AMERICAN COLLECTIVE  
RUEHRL/AMEMBASSY BERLIN 0118  
RUEHBO/AMEMBASSY BOGOTA 1713  
RUEHCV/AMEMBASSY CARACAS 0957  
RUEHLO/AMEMBASSY LONDON 0067  
RUEHMO/AMEMBASSY MOSCOW 0083  
RUEHOT/AMEMBASSY OTTAWA 0233  
RUEHFR/AMEMBASSY PARIS 0223  
RUEHPU/AMEMBASSY PORT AU PRINCE 4896  
RUEHKO/AMEMBASSY TOKYO 0086

C O N F I D E N T I A L SANTO DOMINGO 001953

SIPDIS

DEPT PLEASE PASS TO ASHLEY ROACH IN L/OES AND ELIZABETH KIM  
IN OES/OA

E.O. 12958: DECL: 12/16/2018  
TAGS: [SENV](#) [ECON](#) [EFTA](#) [PBTS](#) [PREL](#) [DR](#)  
SUBJECT: (C) GODR BLAMES 'EXPLOSIVE' LEGISLATOR FOR SEA  
BOUNDARY CLAIMS

REF: 07 SANTO DOMINGO 2364

Classified By: Ambassador P.R. Fannin for Reasons 1.4(b), (d)

11. (C) Summary: On December 15, the Ambassadors from the United Kingdom, United States and Japan demarched Deputy Foreign Minister Jose Manuel Trullols regarding concerns about the Dominican Republic's expanded sea boundary claims under a 2007 law. Trullols said the Foreign Ministry opposed this law and is trying to take action without the knowledge of Congress because of the "explosive nature" of the archipelagic state bill's sponsor, Representative Pelegrin Castillo. He noted that he had met with a Canadian firm to discuss a proposed study of the factual claims made in the 2007 law, which the United Kingdom and United States dispute. However, the Foreign Ministry is seeking external funding that would not need to be approved by the legislature. End Summary.

12. (SBU) Law 66-07, signed by President Fernandez in May 2007, declares that the Dominican Republic is an archipelagic state and therefore has territorial sea rights in excess of those previously claimed by the country. These claims infringe on British and American territorial sea rights as relate to the Turks and Caicos Islands and Puerto Rico, respectively. OES and the UK Hydrographic Office studied the claim in 2007 and concurred that the claim is factually inaccurate based on the definition of an archipelagic state under Part IV of the Convention on the Law of the Sea. In October 2007, UK Ambassador Ian Worthington and then-Charge d'Affaires Roland Bullen demarched Trullols on the matter. The United States and United Kingdom also both sent diplomatic notes on this issue to the Foreign Minister (Reftel). Neither mission received a response from the GoDR.

13. (SBU) On December 16, Ambassador Fannin joined Ambassador Worthington and Japanese Charge d'Affaires Sudo Norio, all three nations parties to the Major Maritime Powers (MMP), to demarche Trullols on MMP concerns about the Dominican Republic's self-declaration in 2007 as an archipelagic state. Ambassador Worthington led the demarche and also left a diplomatic note on the matter along with a list of transgressions by Dominican vessels in British waters pertaining to Turks and Caicos Islands. Ambassador Fannin also left a description of the single incident where a Dominican fishing vessel was found in U.S. waters pertaining to Puerto Rico. Ambassador Worthington stated that the three

nations sought a response to the points raised in October 2007. He also noted that the United Kingdom views this issue as the biggest thorn in its bilateral relationship with the Dominican Republic and that it had the potential to hold up other advantageous agreements between the two countries. (Note: The other three MMPs did not participate because Germany found legal reasons it could not join the demarche, France did not want to distract its bilateral relations from other key issues and Russia does not have a presence in the Dominican Republic. End note.)

14. (C) Trullols responded that Foreign Minister Carlos Morales Troncoso, currently in Brazil, opposes this law but is worried about upsetting Congressman Pelegrin Castillo, who sponsored the bill. He said he believes President Fernandez shares this view but signed the bill in order to placate Castillo. Trullols described Castillo as having an "explosive nature" and said that Morales Troncoso is very worried about inflaming Castillo's wrath. Trullols said that when the bill was under debate, Morales Troncoso invited Castillo and other legislators to discuss the matter, but Castillo had become angry during the meeting and began to shout.

15. (C) Trullols took the note and lists of transgressions and said he would share them with Navy officers and other high-level members of the country's security force. Trullols told the Ambassadors and Charge that the Foreign Ministry is seeking to study the factual basis of the claims upon which the 2007 law bases the archipelagic state declaration, which have been disputed by the United States and United Kingdom. He said that Morales Troncoso has given him the green light

to perform this study, presumably, he noted, with the approval of President Fernandez, but that he must complete the study without Castillo's knowledge, lest the legislator "explode". He explained that the condition of secrecy makes the possibility of completing the assessment very difficult. He said that the Canadian Embassy had also expressed concerns about the issue and had facilitated a meeting with a Canadian company that could perform an objective review of the factual basis of the claim, but would charge close to USD 40,000. He asked whether the three nations might be able to assist with funding, as the condition of secrecy prohibits the Foreign Ministry from seeking congressional funding.

16. (C) Following the meeting, UK Ambassador Worthington expressed skepticism about Trullols' depiction of the situation, and said he wondered whether the expressed fear of Castillo was any more than a delay tactic. He said he expected that, if the GoDR continued to offer no response, London would ask him to follow up yet again around March. He also said he did not expect his government to support or fund the Foreign Ministry's clandestine study.

17. (C) Comment: Regardless of whether Ambassador Worthington's skepticism is accurate, the end result is the same: the GoDR is not moving toward a resolution of the matter. Post does not believe U.S. assistance to support the study would be prudent; it is unlikely that such efforts would remain secret forever and U.S. involvement in the secret study would eventually elicit accusations of interventionism. Furthermore, OES has already studied the matter and reached a sound conclusion. Post requests Department concurrence on continuing to follow the United Kingdom's lead should this issue persist. End Comment.  
FANNIN